

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LAWRENCE CHRISTOPHER SMITH,  
Plaintiff,  
v.  
SECRETARY, et al.,  
Defendants.

No. 1:23-cv-00526-ADA-SAB (PC)

ORDER GRANTING PLAINTIFF THIRTY  
DAYS TO FILE A THIRD AMENDED  
COMPLAINT IN COMPLIANCE WITH  
COURT'S APRIL 21, 2023 SCREENING  
ORDER

**(ECF No. 32)**

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

On April 21, 2023, the Court screened Plaintiff's second amended complaint, found he failed to state a cognizable claim for relief, and granted Plaintiff thirty days to file a third amended complaint. (ECF No. 32.)

In lieu of filing an amended complaint, Plaintiff filed objections to the Court's April 21, 2023, screening order which the Court construed as motion for reconsideration. Plaintiff's motion for reconsideration was denied by the District Judge on September 18, 2023, noting that "[t]o the extent Plaintiff has presented new allegations that are not present in the second amended complaint, his remedy is to file a third amended complaint in compliance with the Court's April 21, 2023, screening order, not a motion for reconsideration." (ECF No. 34 at 3.)

///

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff is granted thirty (30) days from the date of service of this order to file a third amended complaint; and
2. Failure to comply with this order will result in a recommendation to dismiss the action for failure to comply with a court order, failure to prosecute, and failure to state a cognizable claim for relief.

IT IS SO ORDERED.

Dated: September 19, 2023

  
UNITED STATES MAGISTRATE JUDGE